

**STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

**Before the Commissioner of the Office of Financial and Insurance Regulation**

**In the matter of:**

**Courtney H. Hamming  
System ID No. 0071028**

**Enforcement Case No. 11-11217**

**Farwell Insurance Agency, Inc.  
System ID No. 0006271**

**Respondents**  
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**Issued and entered  
on 2/22 2011  
by Stephen R. Hilker  
Chief Deputy Commissioner**

**CONSENT ORDER AND STIPULATION**

**A. FINDING OF FACTS AND CONCLUSIONS OF LAW**

It is alleged that the following statements are true and correct:

1. On or about December 13, 2010 the Office of Financial and Insurance Regulation ("OFIR,") received a complaint from Auto-Owners Insurance Group ("Auto-Owners") concerning Respondents Courtney H. Hamming and Farwell Insurance Agency, Inc. ("Respondents.")
2. Respondent Hamming is a licensed resident producer with qualifications in accident and health, life, multiple lines property and casualty, variable annuities, property, and casualty. Respondent is an affiliated agent and the Designated Responsible Licensed Producer for Farwell Insurance Agency.
3. Respondent Farwell Insurance Agency, Inc. is a licensed resident agency with qualifications in accident and health, life, variable annuities, property, and casualty.
4. Auto-Owners' investigation disclosed that Respondents collected \$27,486.94 in insurance premium from an insured.
5. Auto-Owners did not receive the insurance premium for the insured.

6. As a licensee, Respondents knew or had reason to know that Section 1207(1) of the Michigan Insurance Code, (hereafter "Code") requires: "An agent to be a fiduciary for all money received or held by the agent in his or her capacity as an agent. Failure by an agent in a timely manner to turn over the money which he or she holds in a fiduciary capacity to the persons to whom they are owed is prima facie evidence of violation of the agent's fiduciary responsibility."
7. As a licensee, Respondents further knew or had reason to know that Section 1239(1)(d) of the Code allows the Commissioner to place on probation, suspend, revoke, or levy a civil fine under Section 1244 or any combination thereof, for "Improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business."
8. As a licensee, Respondents further knew or had reason to know that Section 1239(1)(h) of the Code allows the Commissioner to place on probation, suspend, revoke, or levy a civil fine under Section 1244 or any combination thereof, for "Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere."
9. Based upon the actions listed above, Respondents have committed acts that are grounds for the Commissioner ordering payment of a civil fine, refund of any overcharges, restitution be made to insureds to cover losses, damages or other harm attributed to Respondent's violation of the Code, and/or licensing sanctions under Section 1244(1) of the Code for the Respondent violating Section 1207(1), 1239(1)(d), and 1239(1)(h) of the Code.

## B. ORDER

Based upon the findings of fact and conclusions of law above, and Respondents' stipulation to said facts, it is hereby ORDERED that:

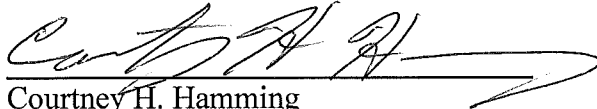
1. Respondent Courtney H. Hamming's insurance producer license and authority are hereby **REVOKED**.
2. Respondent Farwell Insurance Agency, Inc.'s agency license and authority are hereby **REVOKED**.

OFFICE OF FINANCIAL AND  
INSURANCE REGULATION


By: Stephen R. Hilker  
Stephen R. Hilker  
Chief Deputy Commissioner

**C. STIPULATION**

I have read and understand the consent order above. I agree that the Commissioner has jurisdiction and authority to issue this consent order pursuant to the Insurance Code. I waive the right to a hearing in this matter if this consent order is issued. I understand that this stipulation and consent order will be presented to the Commissioner for approval and the Commissioner may or may not issue this consent order. I waive any objection to the Commissioner deciding this case following a hearing in the event the consent order is not approved. I admit the facts set forth in the above consent order and agree to the entry of this order.

  
Courtney H. Hamming  
System ID No. 0071028

Dated: 2/8/11

  
Authorized Representative of  
Farwell Insurance Agency, Inc.  
System ID No. 0006271

Name: Courtney H Hamming

Dated: 2/8/11

OFIR staff approves this stipulation and recommends that the Commissioner issue the above Consent Order.

  
William R. Peattie

Dated: 2/18/11